

FILED

JAN 10 2019

PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

UNITED STATES DISTRICT COURT

FOR THE _____ DISTRICT OF OKLAHOMA

<u>Donald Pilson</u> Petitioner,	Case No. <u>CIV 19 - 009 - RAW</u>
v. <u>Grand Casino, OFFICER ERIC REED</u> <u>Judge John Canavan</u> <u>D.A. Richard Smothermon, A.D.A. Adam Pankas</u> Respondent(s)	CIVIL RIGHTS COMPLAINT Pursuant to 42 U.S.C. § 1983

A. PARTIES

1. Donald Pilson is a citizen of Baltimore Md.
(Petitioner) (State)
 who presently resides at 6888 East 133rd
(place of confinement)
Holdenville, OK 74848

2. Respondent, Grand Casino is a citizen of Shawnee
(name of first Respondent) (City)
OK, and is employed as NA
(state) (position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this respondent acting under color of state law? Yes ☒ No ☐

If your answer is "Yes", briefly explain: Yes, Because I am a
African American transgender

3. Respondent, John Canavan is a citizen of Shawnee
(name of second Respondent) (City)
OK, and is employed as Judge
(state) (position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this respondent acting under color of state law? Yes ☒ No ☐

If your answer is "Yes", briefly explain: Yes, Because I am a
African American transgender

4. Respondent, Officer Eric Reed is a citizen of Potawatomi nation Shawnee
(name of third Respondent) (City)
OK, and is employed as Potawatomi Nation Tribal Police
(state) (position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this respondent acting under color of state law? Yes ☒ No ☐

If your answer is "Yes", briefly explain: Yes, Because I am African American Transgender

5. Are there additional respondents? Yes ☒ No ☐

If your answer is "Yes" you may attach one additional (8 1/2" x 11") to provide the above information for additional respondents.

B. JURISDICTION

1. Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (applies when respondents allegedly acted under color of state law)

☒ *Bivens v. Six Unknown Names Agents for Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies when respondents allegedly acted under color of federal law)

C. NATURE OF CASE

Briefly state the background of your case: While at the Grand Casino a incident happen, which led Grand to falsify a police report.

Dealing with Shawnee Court, I was wrongfully imprison, then the Judge breach a agreement he made.

D. CAUSE OF ACTION

I allege that my following constitutional rights, privileges, or immunities have been violated, and the following facts form the basis for my allegations: *If necessary you may attach up to two additional pages (8 1/2" x 11") to explain an allegation or to list additional counts or supporting facts.*

1a. **Count I:** Grand Casino - falsified a police report.
Shawnee Court house = Wrongfully imprison
me as well as breached a agreement.

1b. **Supporting Facts:** *(Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each respondent is involved. State the facts clearly in your own words without citing legal authority or argument.)*

Once Officer Reed talk with Grand
Casino, I was arrested for assulting a
unknown woman which the charge was
dropped.

2a. **Count II:** I was bound over for trial
after the fact.

2b. **Supporting Facts:** while at Preliminary the
D.A. witness could not identify me.
which in return I was bound over.

5) Respondent, Adam P. Pantek
Shawnee, OK, "A.D.A" - Title
Yes, Because I am a African
American Transgender.

6) Respondent, Richard Smothermon
Shawnee, OK "D.A" - Title -
Yes, Because I am a African
American Transgender

3a. Count III: Force into agreement.

3b. Supporting Facts: My attorney refuse to go for trial, which force me into a blind plea. I receive more time, which the Judge ~~also~~ ordered drug treatment with a review. Never received the review. which became a breach of his agreement.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒

If your answer is "Yes", describe each lawsuit. *If there is more than one lawsuit, describe each additional lawsuit using the same format on a blank sheet of paper labeled "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF."*

a. Parties to previous lawsuit:

Petitioners: NA

Respondents: _____

b. Name and location of court and docket number: NA

c. Approximate date of filing lawsuit: NA

d. Issues raised: _____

e. Disposition: (i.e. Was the case dismissed? Was it appealed? Is it still pending?): NA

f. Approximate date of disposition: NA

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D? Yes ☐ No ☒

If your answer is "Yes", briefly explain how relief was sought and the result. If your answer is "No", briefly explain why administrative relief was not sought.:

Still fighting for freedom that was took wrongfully

3. Have you exhausted available administrative remedies? Yes ☒ No ☐
 If your answer is "Yes", briefly explain the steps taken and attach proof of exhaustion. If your answer is "No", briefly explain why administrative remedies were not exhausted: taken necessary steps doing it on my own.

F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding *in forma Pauperis* under 28 U.S.C. § 1915, describe each civil action or appeal you have brought in a court of the United States while incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. *If there is more than one civil action or appeal, describe the additional actions or appeals using the same format on a 8 1/2" x 11" paper labeled "F. PREVIOUS DISMISSED ACTIONS OR APPEALS"*
- a. Parties to previous lawsuit:
 Petitioners: NA
 Respondents: _____
- b. Name and location of court and docket number: NA
- c. Approximate date of filing lawsuit: NA
- d. Issues raised: NA
- e. Grounds for dismissal: ☐ frivolous ☐ malicious ☐ failure to state a claim upon which relief may be granted.
2. Are you in imminent danger of serious physical injury? Yes ☐ No ☒
 If your answer is "Yes", describe the facts in detail without citing legal authority or argument: _____
- _____
- _____
- _____
- _____
- _____

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief: Because I am being
wrongfully treated.

Donald Pilsen
Original Signature of Petitioner

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the Petitioner in the above action, he has read the above complaint, and the information contained therein is true and correct. 28 U.S.C. § 1746, 18 U.S.C. § 1621.

Executed at D.C.F. on 12.20.18
Location Date

Donald Pilsen
Original signature of Petitioner